

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE

LILLIAM L LINARES FUENTES

DEBTOR(S)

CASE NO. 11-05316-ESL

CHAPTER: 13

MOTION REQUESTING DISMISSAL

TO THE HONORABLE COURT:

Comes now, **RELIABLE FINANCIAL SERVICES, INC.**, holder of a secured claim and Movant herein, through its undersigned counsel, and very respectfully to the Honorable Court, Alleges and Prays as follows:

1. Movant is the holder in due course of a duly executed conditional sales contract over motor vehicle KIA SORENTO 2011 registered under number 3875694, executed by debtor(s) on JANUARY 4, 2011.

2. Debtor(s) filed the instant bankruptcy petition under Chapter 13 on JUNE 24, 2011.

3. Debtor's(s') Plan was (were) confirmed on NOVEMBER 10, 2011. Said Plan proposes to pay pre-petition arrears through Chapter 13 Trustee and debtor(s) will maintain regular payment directly to Movant.

4. However, debtor(s) has (have) breached the aforementioned Plan's proposals. As of today's date debtor(s) show(s) **TWO(2) post-petition arrears on monthly installments corresponding to the months of MARCH and APRIL 2016 for a total amount of post-petition installments due of \$1,245.30.**

5. Section 1307 (c)(6) of the Bankruptcy Code (11 USC §1307 (c)(6)) provides for the dismissal of a case under Chapter 13 for "material default by the debtor with respect to a term of a Confirmed Plan."

6. The situation above explained is effectively causing undue prejudice to Movant's rights as a holder of a secured claim.

7. Therefore, according to 11 USC §1307(c)(1) debtor's(s') unreasonable delay which is prejudicial to creditor, is sufficient also cause to warrant the dismissal of debtor's(s') bankruptcy petition.

WHEREFORE, it is respectfully requested from the Honorable Court to order the dismissal of the instant bankruptcy petition according to the aforementioned bankruptcy disposition.

NOTICE TO ALL PARTIES is herein given to the effect that if no opposition is filed within **THIRTY (30) DAYS** from this notice, the Court may enter an order dismissing the case without further hearing.

CERTIFICATE OF SERVICE

I hereby certify that the present motion was filed electronically with the Clerk of the Court using CM/ECF systems which will send notifications of such to the **JOSE R. CARRION**, Trustee and **ROBERTO FIGUEROA CARRASQUILLO**, debtor's(s') attorney and that we have sent copy of this document through regular mail to debtor(s) **LILLIAM L LINARES FUENTES, PO BOX 3227 CAGUAS, PR 00726** and to all non CM/ECF participants interested as per mailing list which is hereby included.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico this 27th day APRIL, 2016.

/S/ CARLOS E. PEREZ PASTRANA
USDC-208913
Attorney for Movant
PO BOX 21382
SAN JUAN, PR 00928-1382
TEL. 787-625-6645 FAX: 787-625-4891
cperezp@reliablefinancial.com

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

LILLIAM L LINARES FUENTES

DEBTOR(S)

CASE NO. 11-05316-ESL

CHAPTER 13

**MOTION SUBMITTING DECLARATION
UNDER PENALTY OF PERJURY**

Comes now, **RELIABLE FINANCIAL SERVICES, INC.**, holder of a secured claim and Creditor herein and submitting to the Honorable Court the following declaration:

I, **Felipe Marrero Clemente, Bankruptcy Officer** for **RELIABLE FINANCIAL SERVICES**, declare under penalty of perjury, the following:

That according to the enclosed certification, provided by Department of Defense Manpower Data Center (DMDC), debtor(s) is(are) not on active military duty nor in the military service and does not fall within the Service Member Civil Relief Act of 2003.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico this 26 day of APRIL, 2016.

/S/Felipe Marrero Clemente

Bankruptcy Officer

P. O. Box 21382

San Juan, PR 00928-1382

Tel: (787)625-6717 Fax: (787)625-4891

fmarreroc@reliablefinancial.com



Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: LINARES

First Name: LILLIAM

Middle Name:

Active Duty Status As Of: Apr-26-2016

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
 Department of Defense - Manpower Data Center
 4800 Mark Center Drive, Suite 04E25
 Arlington, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via this URL: [https://kb.defense.gov/PublicQueries/publicQuestions/FaqsAnswers.jsp?Subject=Locating Service Members or Getting a Mailing Address](https://kb.defense.gov/PublicQueries/publicQuestions/FaqsAnswers.jsp?Subject=Locating%20Service%20Members%20or%20Getting%20a%20Mailing%20Address). If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: CEN0EE77B2719E0

Label Matrix for local noticing
0104-3
Case 11-05316-ESL13
District of Puerto Rico
Old San Juan
Tue Nov 8 16:28:47 AST 2011
CitiFinancial, Inc
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The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)RELIABLE FINANCIAL SERVICES
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